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		Electronically filed August 8, 2007
1		Bob L. Olson (Nevada Bar No. 3783)
2		Anne M. Loraditch (Nevada Bar No. 8164) BECKLEY SINGLETON, CHARTERED
3	400 Capitol Mall, Suite 3000	530 Las Vegas Boulevard South
4	4	Las Vegas, NV 89101 Felephone: (702) 385-3373
5	Facsimile: (916) 329-4900	Facsimile: (702) 385-5024
6	jhermann@orrick.com	Email: <u>bolson@beckleylaw.com;</u> <u>aloraditch@beckleylaw.com</u>
7	Attorneys for Post-Effective Date USA Capital Divers	fied Trust Deed Fund, LLC
8	UNITED STATES BANKRU	UPTCY COURT
9	DISTRICT OF NE	VADA
10	In re:	Case No. BK-S-06-10725 LBR
11	USA COMMERCIAL MORTGAGE COMPANY,	Case No. BK-S-06-10726 LBR Case No. BK-S-06-10727 LBR
12	USA CAPITAL REALTY ADVISORS, LLC,	Case No. BK-S-06-10728 LBR Case No. BK-S-06-10729 LBR
13	USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,	Chapter 11
14	USA CAPITAL FIRST TRUST DEED FUND, LLC,	Jointly Administered Under
15	USA SECURITIES, LLC,	Case No. BK-S-06-10725-LBR
16	Debtors.	NOTICE OF ENTRY OF ORDER SUSTAINING OMNIBUS OBJECTION
17		OF POST-EFFECTIVE DATE USA
18		CAPITAL DIVERSIFIED TRUST DEED FUND, LLC, TO PROOFS OF
19	Affects:	INTEREST
20	☐ All Debtors ☐ USA Commercial Mortgage Company	Hearing Date: July 27, 2007
21	☐ USA Securities, LLC	Hearing Time: 9:30 a.m. Hearing Place: Courtroom 1
22	■ USA Capital Diversified Trust Deed Fund, LLC	
23	□ USA First Trust Deed Fund, LLC	
24	PLEASE TAKE NOTICE that on the 7th d	ay of August 2007, the Court entered its
25	Order Omnibus Objection of Post-Effective Date US	
26	///	·
27		
28		
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	· · · · · · · · · · · · · · · · · · ·	1 age - 1 - 01 2

OHS West:260095880.3

1	LLC to Proofs of Interest, a true and correct copy of which is attached hereto.
2	DATED this 8th day of August 2007.
3	BECKLEY SINGLETON, CHTD.
4	
5	By: /s/ Anne M. Loraditch Bob L. Olson, Esq. (NV Bar No. 3783)
6	Anne Loraditch, Esq. (NV Bar No. 8164) 530 Las Vegas Boulevard South
7	Las Vegas, NV 89101
9	Attorneys for USA Capital Diversified Trust Deed Fund, LLC
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The Court, having considered the Omnibus Objection of Post-Effective Date USA Capital Diversified Trust Deed Fund, LLC To Proofs of Interest (the "Objection"), the Responses to the Objection filed by (i) Herman M. Adams, Esq., Brian M. Adams, Esq. and Anthony G. Adams, jointly *pro se*, and (ii) Margaret B. McGimsey Trust, Bruce McGimsey, Sharon McGimsey, Jerry McGimsey and Johnny Clark, and Diversified's subsequent Reply briefs; having reviewed the pleadings, papers and records on file in this action; and having considered the representations of counsel, Anne M. Loraditch, of the law firm of Beckley Singleton, Chtd., appearing on behalf of Post-Effective Date USA Capital Diversified Trust Deed Fund, LLC ("Diversified"); with other appearances being noted on the record, appropriate notice of the Objection given, and for good cause appearing:

IT IS HEREBY ORDERED that the Objection is sustained.

IT IS FURTHER ORDERED that the interests listed on Exhibit 1, attached hereto and made a part hereof, shall be treated in accordance with the disposition detailed on Exhibit 1 with respect to such interests.

PREPARED AND RESPECTFULLY SUBMITTED BY:

BECKLEY SINGLETON, CHTD.

17 By /s/ Anne M. Loraditch

18 BOB L. OLSON, ESQ.
Nevada Bar No. 3859

19 ANNE M. LORADITCH, ESQ.
Nevada Bar No. 8164

530 Las Vegas Boulevard South
Las Vegas, Nevada 89101

and

ORRICK, HERRINGTON & SUTCLIFFE LLP

Marc A. Levinson (California Bar No. 57613) Rachel Ragni (California Bar No. 214061) 400 Capitol Mall, Suite 3000

25 Sacramento, California 95814-4497

Attorneys for Post-Effective Date USA Capital Diversified Trust Deed Fund, LLC

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1	APPROVED/DISAPPROVED:	APPROVED/DISAPPROVED:
2	HERMAN M. ADAMS, ESQ.	
3	BRIAN M. ADAMS, ESQ.	MCGIMSEY LAW OFFICE, P.C.
4	ANTHONY G. ADAMS	By /s/ William L. McGimsey
4	_	WILLIAM L. MCGIMSEY, ESQ.
5	By /s/ Brian M. Adams	Nevada Bar No. 0546
6	BRIAN M. ADAMS, ESQ. 1341 Cashman Drive	516 South Sixth Street, Suite 300
U	Las Vegas, Nevada 89102	Las Vegas, Nevada 89101
7	Telephone: (702) 384-9275	Telephone: (702) 382-9948
8	(, 02) 301 3273	Attorneys for Margaret B. McGimsey Trust,
	Jointly Pro Se	Bruce McGimsey, Jerry McGimsey, Sharon
9		McGimsey and Johnny Clark
10		
11	APPROVED/DISAPPROVED:	APPROVED/DISAPPROVED:
12	Dr. //G D.D.	OFFICE OF THE UNITED STATES
12	By /s/ George D. Frame GEORGE D. FRAME, ESQ.	TRUSTEE
13	601 Greenway Road, Suite D	Dy /a/ Assessed D. I. a. 1'
14	Henderson, Nevada 89015	By /s/ August B. Landis AUGUST B. LANDIS
15	Telephone: (702) 598-4620	300 Las Vegas Boulevard, Suite 4300
13		Las Vegas, Nevada 89101
16	Pro Se	
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1	1		PIII F o		T ADATION		
2	In acc	cordance with Loc	al Rule 9021, the		CLARATION		
3	:						
4		I have delivered	ed the requirement a copy of the pro-	posed ord	er to the Office	of the United States Trust	٠
5	;	and the parties v noted above, and	vno med papers in	response	to the Objection	on or appeared at the hearing	ng
6		⊠ approve □ waived	ed the form of this the right to review	order; an	d/or		
7		☐ failed to	file and serve par	pers in ac	cordance with I	LR 9021(c); and	
8	_	\mathbf{n}	owing have disapp /a				
9	Ī	No opposition w hearing.	as filed to the mot	tion and r	o other party or	counsel appeared at the	
10			_	_			
11					SINGLETON, C		
12			£	Anne	/s/ Anne M. L M. Loraditch (N	oraditch Jevada Bar No. 8164)	
13 14				330 La	is Vegas Boulev egas, Nevada 89	ard South	
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EXHIBIT 1

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3	Proof of Interest	Equity Interest	Acet ID#	Date of	Asserted	Amount of	Disposition
4	No.	Holder	1D##	Proof of Interest	Equity Interest	Equity Interest Per	
5					Amount	Debtors'	
,	100			¥.		Records	
6	128	Brian M.	13571	11/10/06	\$325,000	\$312,307.60	Interest disallowed
7		Adams					to the extent it
,							exceeds
8	Ï						\$312,307.60, which is the amount of the
9							filing Party's equity
9							interest in
10)						Diversified as of the
							Petition Date, as
11							reflected in
12							Diversified's books
	194	Philip	10038	01/13/07	\$20,622,10	#20 (22 10	and records.
13	177	Benjamin	10000	01/13/0/	\$29,632.19	\$29,632.19	Interest disallowed
14							in its entirety as duplicative of
							interest no. 193
15							already filed in the
16							Diversified case.
10	035	Ramona	16949	09/28/06	\$26,240.83	\$26,240.83	Interest disallowed
17		Bigelow					in its entirety as
18							duplicative of
10							interest no. 16
19		}					already filed in the Diversified case.
20	149	Johnny	3190	11/13/06	\$99,467.90	\$48,047.32	Interest disallowed
20		Clark		İ			to the extent it
21						Ĭ	exceeds \$48,047.32,
22				ļ	1		which is the amount
. 22					ŀ		of the filing Party's
23							equity interest in Diversified as of the
24				1			Petition Date, as
l							reflected in
25					ļ		Diversified's books
26							and records.
27							
1							
28							
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1	Proof of	Equity	Acct	Date of	Asserted	Amount of	Dignosition
2	Interest	Interest	ID#	Proof of	Equity	Equity	Disposition
	No.	Holder		Interest	Interest	Interest Per	
3					Amount	Debtors' Records	
4	166	Johnny	9590	11/13/06	\$99,467.90	\$48,047.32	Interest disallowed
5		Clark			1		to the extent it
5							exceeds \$48,047.32,
6					1		which is the amount
7							of the filing Party's
7							equity interest in
8				1			Diversified as of the
•							Petition Date, as reflected in
9	II						Diversified's books
10							and records
	067	Joseph	6953	10/20/06	\$240,236.61	\$240,236.61	Interest disallowed
11		Deuerling					in its entirety as
12							duplicative of
							interest no. 47
13							already filed in the
14	185	Allan	14505	11/10/06	\$159,582.17	\$159,582.17	Diversified case.
17		Ebbin	1.000	11/10/00	Ψ137,362.17	\$139,362.17	Interest disallowed
15							in its entirety as duplicative of
16							interest no. 182
10							already filed in the
17	181	C	16140	44/00/2			Diversified case.
10		George D. Frame	16149	11/09/06	\$51,920.28	\$51,920.28	Interest disallowed
18		riaine					in its entirety as
19		1					duplicative of
		ŀ					interest no. 82
20							already filed in the Diversified case.
21	081	Courtney Fuhriman	3990	11/09/06	\$48,047.32	\$48,047.32	Interest disallowed
22		1 umman					in its entirety as
					[duplicative of interest no. 61
23		İ			j		already filed in the
24							Diversified case.
25							
l			ŀ				
26							
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Proof of		Acct	Date of	Asserted	Amount of	Disposition
Interest	25 to 2 to 2	ID#	Proof of	Equity	Equity	
No.	Holder		Interest	Interest	Interest Per	
				Amount	Debtors'	
129		11005	11/10/06		Records	
129	Gary Michelsen	11005	11/10/06	\$58,667.14	\$58,667.14	Interest disallowed
	WHEHEISCH					in its entirety as
		}				duplicative of
]					interest no. 113
						already filed in the
161	Gary	11005	11/10/06	\$58,667.14	\$58,667.14	Diversified case. Interest disallowed
	Michelsen			, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	Ψ30,007.14	in its entirety as
						duplicative of
						interest no. 113
						already filed in the
121	D.:	10:0				Diversified case.
121	Brian	4349	11/08/06	\$3,625,000	\$3,483,430.96	Interest disallowed
	Herman & Anthony G.					to the extent it
	Anthony G. Adams					exceeds
	1 Idaiis					\$3,483,430.96,
						which is the amount
						of the filing Party's
						equity interest in Diversified as of
İ						the Petition Date, as
						reflected in
]						Diversified's books
105			_			and records
195	Prescia	18705	01/16/07	\$379,924.09	\$379,924.09	Interest disallowed
	Investments					in its entirety as
						duplicative of
						interest no. 13
		İ				already filed in the
151	John E.	12005	11/13/06	\$444,137.48	\$444,137.48	Diversified case.
ĺ	Michelsen			4 1 1,13 7 10	Ψτττ,137.46	Interest disallowed in its entirety as
		- 1				duplicative of
	ĺ					interest no. 131
•						already filed in the
		Ì				Diversified case.
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1	Proof of	Equity	Acct	Date of	Asserted	Amount of	Disposition
2	Interest	Interest	ID#	Proof of	Equity	Equity	
	No.	Holder		Interest	Interest	Interest Per	
3					Amount	Debtors' Records	unquintin in the property of t
1	077	Rex	3616	10/12/06	\$50,000.00	\$48,047.32	Interest disallowed
		McBride					to the extent it
							exceeds \$48,047.32,
							which is the amount
							of the filing Party's
ı			:				equity interest in Diversified as of the
l				_	1		Petition Date, as
							reflected in
						}	Diversified's books
							and records
	165	Bruce	9316	11/13/06	\$86,171.22	\$86,171.22	Interest disallowed
		McGimsey					in its entirety as
ı							duplicative of
I							interest no. 144
							already filed in the
	145	Margaret	5584	11/13/06	\$96,094.75	\$96,094.75	Diversified case. Interest disallowed
ľ		McGimsey			42 0,02 1112	Ψ20,024.73	in its entirety as
I							duplicative of
							interest no. 117
		ļ					already filed in the
	168	Margaret	5584	11/12/06	000004.75	40.500	Diversified case.
	100	McGimsey	3364	11/13/06	\$96,094.75	\$96,094.75	Interest disallowed
		Wiedmiscy					in its entirety as
							duplicative of interest no. 117
۱							already filed in the
	1.40						Diversified case.
	148	Sharon	8362	11/13/06	\$311,091.58	\$48,047.32	Interest disallowed
		McGimsey					to the extent it
							exceeds \$48,047.32,
						İ	which is the amount
					}	İ	of the filing Party's equity interest in
-					Ì		Diversified as of the
							Petition Date, as
f			ĺ		İ		reflected in
	Ì						Diversified's books
L							and records.

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Proof of Interest No.	Equity Interest Holder	Acet ID#	Date of Proof of Interest	Asserted Equity Interest Amount	Amount of Equity Interest Per Debtors' Records	Disposition
167	Sharon McGimsey	8362	11/13/06	\$311,091.58	\$48,047.32	Interest disallowed in its entirety as duplicative of interest no. 148 already filed in the Diversified case.

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